

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:14-CV-170-RLV-DSC**

LANSTON TANYI,)
)
Plaintiff,) **ORDER**
v.)
)
APPALACHIAN STATE UNIVERSITY,)
et al.,)
)
Defendants.)

THIS MATTER is before the Court on “Defendants’ Motion to Dismiss” (document #16) and Plaintiff’s “Motion to Amend Complaint” (document #25), as well as the parties’ briefs and exhibits relating to the Motion to Dismiss. See documents ##24-1, 25, and 26.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that “leave [to amend the pleadings] shall be freely given where justice so requires.” Fed.R.Civ.P. 15(a).

For the reasons stated in his “Memorandum in Support ...” (document #25), Plaintiff’s Motion to Amend is granted.

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS HEREBY ORDERED that:

1. Plaintiff's "Motion to Amend Complaint" (document #25) is **GRANTED**. Plaintiff shall file his Second Amended Complaint within ten days of this Order.
2. "Defendants' Motion to Dismiss" (document #16) is administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: February 20, 2015



David S. Cayer
United States Magistrate Judge
